

HOUSE BILL REPORT

HB 2331

As Passed House:
February 7, 2006

Title: An act relating to clarifying the public disclosure of sensitive fish and wildlife data.

Brief Description: Concerning public disclosure requirements for sensitive fish and wildlife data.

Sponsors: By Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/11/06, 1/20/06 [DP].

Floor Activity:

Passed House: 2/7/06, 97-0.

Brief Summary of Bill

- Allows release of sensitive fish and wildlife data to public utilities, accredited colleges and universities, and certain landowners.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 8 members: Representatives Haigh, Chair; Green, Vice Chair; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Stephanie Toby (786-7106).

Background:

The Washington Department of Fish and Wildlife (WDFW) manages more than 640 animal species and approximately 150 species of fish and shellfish. The WDFW develops and provides tools to access priority scientific data and information.

Under the public disclosure statute, certain sensitive information relating to fish and wildlife is exempt from public disclosure. However, the WDFW may release sensitive information to government agencies concerned with the management of fish and wildlife resources.

The definition of sensitive fish and wildlife data includes location data that could compromise the viability of a specific fish or wildlife population, where at least one of several criteria are

met. One of these criterion is a known demand to visit, take, or disturb the fish or wildlife, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

Summary of Bill:

Sensitive fish and wildlife data obtained by the WDFW may be released to the following entities concerned with fish and wildlife resources, in addition to government agencies:

- public utilities, and their agents; and
- accredited colleges and universities.

To be qualified to receive the data, these entities do not need to be concerned with the management of such resources.

Additionally, sensitive fish and wildlife data pertaining to the management of fish and wildlife resources on private land may be released to:

- the owner of the land;
- the lessee of the land;
- the holder of a right-of-way or easement on the land; and
- their agent or agents.

Under the public disclosure statute's definition of sensitive data, the third criterion for location data is modified. For location data to meet the third criterion, only one of the following must be present, rather than both: (1) there is a known demand to visit, take or disturb, or (2) the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

Technical changes are made to make consistent references to "fish and wildlife" throughout these provisions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on July 1, 2006.

Testimony For: This is agency request legislation. There is a need to find a balance between what the public needs to know and what must be kept private. Private land owners gather proprietary data and share that data with regulatory agencies, but do not want the data to be available to the public. An example is the nesting locations of spotted owls. There is a concern that people might want to do harm to spotted owls. The Washington Department of Fish and Wildlife (WDFW) desires to share data with independent researchers. Additionally, the WDFW shares data with the Department of Natural Resources (DNR). The DNR wants to make ensure that the data are protected. The WDFW wants to be clear that this bill is about a liberalization of data sharing. The WDFW is not changing the criteria by which it considers

data to be sensitive. The changes are technical and clarifying to allow an expanded scope and to provide individuals and organizations with critical information. Land owners collect data for the WDFW and the WDFW wants to be able to share the data with land owners and the agencies that represent them. There is a concern that, while the bill allows data sharing with private colleges and universities, it could be interpreted so as to not allow the release of sensitive data to private researchers. There is a recommendation to add clarifying language that specifically authorizes the transfer of sensitive fish and wildlife data to private researchers acting as collaborating agents with the WDFW.

Testimony Against: None.

Persons Testifying: Representative Blake, prime sponsor; Steve Pozzanghera, Washington Department of Fish and Wildlife; and William Leonard.

Persons Signed In To Testify But Not Testifying: None.